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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,295	04/13/2004	Leonardo William Estevez	TI-36902 (1962-10700)	4575

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EXAMINER

BALAOING, ARIEL A

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 08/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/823,295

Applicant(s)

ESTEVEZ ET AL.

Examiner

Ariel Balaoing

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 and 25-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 and 25-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

1. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

Response to Arguments

2. Applicant's arguments with respect to claims 1-23, 25-28 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-4, 6-8, 13-15, 17, 21, 23, 25, 27 are rejected under 35 U.S.C. 102(e) as being anticipated by RATSCHUNAS (US 6,958,692 B1).

Regarding claim 1, RATSCHUNAS discloses a method, comprising: accessing an electronic application on a handheld device to determine a scheduled time and location of an upcoming event (abstract; col. 2, line 1-16); determining factors affecting travel time to said event (col. 5, line 33-col. 6, line 11; col. 6, line 40-67; modification to travel time after subsequent journeys. Also, a fixed or variable speed is applied to the travel time); using said factors, determining an amount of travel time for a user to timely

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arrive at the upcoming event (col. 5, line 33-col. 6, line 5); and providing an alert to the user at a time that precedes the upcoming event by at least the travel time (col. 5, line 33-col. 6, line 5).

Regarding claim 2, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. RATSCHUNAS further discloses further accessing a network to determine said factors (col. 1, line 56-67, col. 2, line 49-54, col. 3, line 1-16; col. 5, line 13-18; col. 6, line 48-67).

Regarding claim 3, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. RATSCHUNAS further discloses further comprising accessing GPS to determine a current location for the handheld device (col. 2, line 49-54).

Regarding claim 4, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. RATSCHUNAS further discloses determining an estimate of travel time necessary to travel from a handheld device's current location to the location of the upcoming event, wherein determining an amount of travel time comprises adjusting the estimate of travel time based on said factors (col. 2, line 31-48; col. 5, line 33-col. 6, line 11; col. 6, line 40-67).

Regarding claim 6, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. RATSCHUNAS further discloses wherein providing an alert comprises providing a visual alert (col. 2, line 58-66).

Regarding claim 7, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. RATSCHUNAS further discloses wherein providing an alert comprises providing an audible alert (col. 2, line 58-66).

Regarding claim 8, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. RATSCHUNAS further discloses further comprising storing a current location of the handheld device in a memory (col. 2, line 23-29).

Regarding claim 13, RATSCHUNAS discloses a mobile communication device, comprising: a processor (col. 4, line 10-23); a display coupled to the processor (col. 2, line 58-67; text message displayed on device); a wireless module coupled to the processor (col. 2, line 49-54); and a memory coupled to the processor (col. 2, line 31-48), said memory comprising an electronic application and processor-executable code (col. 4, line 23-58; diary/calendar functions), said processor-executable code causes the processor to: access the electronic application to determine a scheduled time and location of an upcoming event (abstract; col. 2, line 1-16); obtain a current user location using the wireless module (col. 2, line 49-54; col. 4, line 10-22; col. 5, line 46-48); obtain factors affecting travel time (col. 5, line 33-col. 6, line 11; col. 6, line 40-67; periodically checks if the device is within a determined radius, the destination radius, a fixed or variable speed of the device); and using said factors, determine an amount of travel time for a user to timely arrive at the upcoming event (col. 5, line 33-col. 6, line 11; col. 6, line 40-67); wherein either the electronic application or the processor-executable

code causes the processor to provide an alert on the display at a time that precedes the upcoming event by at least the travel time (abstract; col. 5, line 33-col. 6, line 5).

Regarding claim 14, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. RATSCHUNAS further discloses wherein the processor-executable code further causes the processor to determine an estimate of travel time from a current user location to the location of the upcoming event and to adjust the estimate based on said factors (abstract; col. 5, line 33-col. 6, line 5).

Regarding claim 15, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. RATSCHUNAS further discloses wherein the processor-executable code causes the processor to access a network to obtain said factors (col. 1, line 56-67, col. 2, line 49-54, col. 3, line 1-16; col. 5, line 13-19; col. 6, line 48-67).

Regarding claim 17, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. RATSCHUNAS further discloses wherein the processor-executable code causes the processor to store the current user location in the memory (col. 2, line 23-29; col. 5, line 13-19).

Regarding claim 21, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. RATSCHUNAS further discloses wherein the wireless module comprises a GPS receiver (col. 2, line 49-54).

Regarding claim 23, RATSCHUNAS discloses a system, comprising: a means for determining a current physical location of a portable device (abstract; col. 2, line 1-16); a means for storing an adjustable user schedule (abstract; col. 2, line 1-16); a means for

accessing the user schedule, for determining a travel time from the current physical location to a location of a scheduled event in the user schedule, and for adjusting said travel time based on travel factors to produce an adjusted travel time (col. 5, line 33-col. 6, line 11; col. 6, line 40-67); and a means for providing an alert to a user of the portable device, said alert provided at a time that precedes the scheduled event by at least the adjusted travel time (col. 5, line 33-col. 6, line 5).

Regarding claim 25, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. RATSCHUNAS further discloses wherein the means for determining a physical location of a portable device comprises a wireless access point (col. 1, line 55-67; col. 2, line 49-54).

Regarding claim 27, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. RATSCHUNAS further discloses wherein the means for storing comprises a server (col. 4, line 46-59; col. 6, line 48-68; retrieval of information using http or web browser).

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 9-11, 18, 19, 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over RATSCHUNAS (US 6,958,692 B1) in view of MURRAY (US 6,484,033 B2).

Regarding claim 9, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. However, RATSCHUNAS does not expressly disclose further comprising electronically communicating with at least one individual at

the location of the upcoming event without user intervention. MURRAY discloses further comprising electronically communicating with at least one individual at the location of the upcoming event without user intervention (206-Figure 11; col. 13, lines 36-55). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify RATSCHUNAS to include electronic communication to an individual at the location of the upcoming event, as taught by MURRAY, since MURRAY shows on col. 14, line 54-58, that such a modification would allow a user to inform another user at the location in the event that the user will be late to a scheduled event.

Regarding claim 10, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. However, RATSCHUNAS does not expressly disclose wherein electronically communicating comprises sending electronic mail, a voice message or a text message. MURRAY discloses wherein electronically communicating comprises sending electronic mail, a voice message or a text message (206-Figure 11; col. 13, lines 36-55).

Regarding claim 11, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. However, RATSCHUNAS does not expressly disclose further comprising electronically communicating with at least one individual at the location of the upcoming event upon user authorization. MURRAY discloses comprising electronically communicating with at least one individual at the location of the upcoming event upon user authorization (col. 14, line 65-col. 15, line 29). Therefore it would have been obvious to a person of ordinary skill in the art at the time the

invention was made to modify RATSCHUNAS to include electronic communication to an individual at the location of the upcoming event, as taught by MURRAY, since MURRAY shows on col. 14, line 54-58, that such a modification would allow a user to inform another user at the location in the event that the user will be late to a scheduled event.

Regarding claim 18, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. However, RATSCHUNAS does not expressly disclose wherein the processor-executable code causes the processor to send a signal to at least one individual pertaining to the upcoming event without user intervention. MURRAY discloses wherein the processor-executable code causes the processor to send a signal to at least one individual pertaining to the upcoming event without user intervention (206-Figure 11; col. 13, lines 36-55). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify RATSCHUNAS to include electronic communication to an individual at the location of the upcoming event, as taught by MURRAY, since MURRAY shows on col. 14, line 54-58, that such a modification would allow a user to inform another user at the location in the event that the user will be late to a scheduled event.

Regarding claim 19, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. However, RATSCHUNAS does not expressly disclose wherein the processor-executable code causes the processor to send a signal to at least one individual pertaining to the upcoming event upon user authorization. MURRAY discloses wherein the processor-executable code causes the processor to send a signal to at least one individual pertaining to the upcoming event upon user

authorization (col. 14, line 65-col. 15, line 29). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify RATSCHUNAS to include electronic communication to an individual at the location of the upcoming event, as taught by MURRAY, since MURRAY shows on col. 14, line 54-58, that such a modification would allow a user to inform another user at the location in the event that the user will be late to a scheduled event.

Regarding claim 22, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. Although RATSHUNAS discloses that many forms of location techniques can be used (col. 2, line 48-54), RATSHUNAS does not expressly disclose wherein the wireless module comprises triangulation capabilities. MURRAY further discloses wherein the wireless module comprises triangulation capability (column 2:lines 18-30). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify RATSHUNAS to include triangulation capabilities, as shown in MURRAY, as triangulation is well known in the art of mobile device location determination.

7. Claims 5 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over RATSCHUNAS (US 6,958,692 B1) in view of CLOUTIER (US 6,459,913 B2).

Regarding claim 5, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. However, RATSCHUNAS does not expressly disclose wherein using said factors comprises using at least one factor selected from the group consisting of weather conditions, deviations from scheduled airline flight times, low automobile fuel levels, and lack of user familiarity with a travel route.

CLOUTIER discloses wherein using said factors comprises using at least one factor selected from the group consisting of weather conditions, deviations from scheduled airline flight times, low automobile fuel levels, and lack of user familiarity with a travel route (col. 3, line 44-60). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify RATSCHUNAS to include a deviation in airline flight times as a factor, as taught by CLOUTIER, as an alert can be made to another party as soon as a deviation in schedule is known (col. 4, line 5-23).

Regarding claim 16, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. However, RATSCHUNAS does not expressly disclose wherein said factors comprise at least one factor selected from a group consisting of weather data and changes in scheduled airline flight times. CLOUTIER discloses wherein said factors comprise at least one factor selected from a group consisting of weather data and changes in scheduled airline flight times (col. 3, line 44-60). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify RATSCHUNAS to include a deviation in airline flight times as a factor, as taught by CLOUTIER, as an alert can be made to another party as soon as a deviation in schedule is known (col. 4, line 5-23).

8. Claims 12, 20, 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over RATSCHUNAS (US 6,958,692 B1) in view of PITT et al (US 2004/0203597 A1).

Regarding claim 12, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. RATSCHUNAS further discloses further comprising determining a location for the handheld device at programmable intervals

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(col. 4, line 10-23). However, RATSCHUNAS does not expressly disclose wherein said intervals are determined in accordance with a speed associated with the portable device. PITT et al discloses wherein location intervals are determined in accordance with a speed associated with the portable device (paragraph 20). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify RATSCHUNAS to include location intervals in accordance with a speed associated with the portable device, as taught by PITT, as this reduces the processing power needed when a device is moving at a slow rate.

Regarding claim 20, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. RATSCHUNAS further discloses wherein the processor determines the current user location at programmable intervals (col. 4, line 10-23). However, RATSCHUNAS does not expressly disclose wherein said intervals are determined in accordance with a speed associated with the portable device. PITT et al discloses wherein location intervals are determined in accordance with a speed associated with the portable device (paragraph 20). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify RATSCHUNAS to include location intervals in accordance with a speed associated with the portable device, as taught by PITT, as this reduces the processing power needed when a device is moving at a slow rate.

Regarding claim 28, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. RATSCHUNAS further discloses further comprising means for determining the current location of the portable device at

programmable intervals (col. 4, line 10-23). However, RATSCHUNAS does not expressly disclose wherein said intervals are determined in accordance with a speed associated with the portable device. PITT et al discloses wherein location intervals are determined in accordance with a speed associated with the portable device (paragraph 20). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify RATSCHUNAS to include location intervals in accordance with a speed associated with the portable device, as taught by PITT, as this reduces the processing power needed when a device is moving at a slow rate.

9. Claim 26 rejected under 35 U.S.C. 103(a) as being unpatentable over RATSCHUNAS (US 6,958,692 B1) in view of MYR (US 2001/0029425 A1).

Regarding claim 26, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. However, RATSCHUNAS does not expressly disclose wherein the means for network access comprises a General Packet Radio Service. MYR discloses wherein the means for network access comprises a General Packet Radio Service (paragraph 102). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify RATSCHUNAS in this way, as taught by MYR, as the GPRS protocol is more common in a dedicated intranet navigational environment.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ariel Balaoing whose telephone number is (571) 272-7317. The examiner can normally be reached on Monday-Friday from 8:00 AM to 4:30 AM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AB

Ariel Balaoing – Art Unit 2617

AB 7/24/6


GEORGE ENG
SUPERVISORY PATENT EXAMINER